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**Cc:** Holmes, Karron (MPCA)[Karron.Holmes@state.mn.us]; Lotthammer, Shannon (MPCA)[shannon.lotthammer@state.mn.us]; Kessler, Katrina (MPCA)[katrina.kessler@state.mn.us]; Foss, Ann (MPCA)[ann.foss@state.mn.us]  
**From:** Flood, Rebecca (MPCA)  
**Sent:** Thur 6/25/2015 1:39:17 PM  
**Subject:** New Wild Rice Statute

Hi, Tinka. I wanted to share with you the recently passed legislation as it relates to wild rice. The link below is the full omnibus Ag, Environment and Natural Resources bill in case you want to see the whole thing. In addition, I have excerpted the wild rice provision found in article 4, section 136 below. I wanted to let you know that we are discussing how this may impact our process and how we will be proceeding moving forward. I anticipate that we will want to have a discussion with you and your senior managers (Henry, Holst, Pierard and Swenson) to discuss this.

I will be out of the office beginning this afternoon and plan to be back on July 13<sup>th</sup>. I've asked Karron to work with Jessie to set up a conference call for us once I return. Sound OK to you?

Here are the links.

<https://www.revisor.mn.gov/laws/?year=2015&type=1&doctype=Chapter&id=4>

## **Sec. 136.**

### **WILD RICE WATER QUALITY STANDARDS.**

... (a) Until the commissioner of the Pollution Control Agency amends rules refining the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider all independent research and publicly funded research and to include criteria for identifying waters and a list of waters subject to the standard, implementation of the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the following, unless the permittee requests additional conditions: ...

... (1) when issuing, modifying, or renewing national pollutant discharge elimination system (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild rice, and in doing so shall be limited by the following conditions: ...

... (i) the agency shall not require permittees to expend money for design or implementation of sulfate treatment technologies or other forms of sulfate mitigation; and ...

... (ii) the agency may require sulfate minimization plans in permits; and ...

... (2) the agency shall not list waters containing natural beds of wild rice as impaired for sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313, until the rulemaking described in this paragraph takes effect. ...

... (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits issued or reissued after the effective date of this section as needed to include numeric permit limits based on the wild rice water quality standard. ...

... (c) The commissioner shall complete the rulemaking described in paragraph (a) by January 15, 2018.

I hope that you are enjoying the summer in Chi-town! It certainly has been beautiful here. Best,  
Rebecca.

*Rebecca J. Flood*

*Assistant Commissioner*

*Minnesota Pollution Control Agency*

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*MPCA's mission is to protect and improve the environment and enhance human health.*